

**ON MAY 14, 2015 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT**

**Members Present:** Yovonda Hall, Ryan Cashin, Bob Petersen, John Johnson, Ralph Ballard, Bill Wilkey, and Branden Anderson

**Members Excused:** Paul Farthing

**Staff Present:** Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Attorney Fay Reber, and City Council Representative Darin Thomas

The meeting was called to order by Chairman Cashin at 6:00 p.m. The Pledge of Allegiance was led by John Johnson and Yovonda Hall offered the prayer. Roll call was taken.

**Approval of agenda:** Chairman Cashin stated public hearing item #3 needs to be moved to the first item and the first item will be moved to the third item. They will change in the discussion portion of meeting as well. Yovonda Hall motioned to approve the May 14, 2015 agenda with the mentioned changes as described. Ralph Ballard seconded the motion. Motion carried with all Commissioners voting aye.

Chairman Cashin opened the public hearing at 6:07 p.m. for comments on the following items;

**1. A zone change request by Bart & Michelle Munteer for property located at 350 S 760 West from R1-6 to R1-10 or R1-8 to allow a single family house vacation rental**

Toni Foran read the approval standards in the Hurricane City ordinance for a zone change. *A decision to amend the zoning map is a matter within the legislative discretion of the city council. In making an amendment, the following factors should be considered: 1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan; 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; 3. The extent to which the proposed amendment may adversely affect adjacent property; and 4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.* Ms. Foran stated these are the things the Planning Commissioners will be taking into consideration and asked the audience to direct the comments towards the approval standards. She explained the Planning Commissioners make a recommendation to the City Council on the application and the City Council then reviews the application and makes a final decision. If anyone objects the final decision, they have thirty days to file an appeal with the district court.

Ms. Foran explained the Munteer's application should be an application for a business license not a zone change. She explained when the planning staff first met with the Munteer's, vacation rentals were not permitted but the Planning Commission was working its way through an ordinance amendment to allow them. She explained after much debate and public hearings, the Commissioners decided to allow vacation rentals in all RA zones, R1-15, R1-10, and R1-8. Ms. Foran called the Munteer's to let them know the ordinance had passed. At this point, the Munteer's found a house, a housekeeper, and a yard care company in a location the Planning staff told them vacation rentals were allowed. This was an error on the part of City staff, not something the Munteer's did to deceive the neighbors or to circumvent the ordinance. She stated as soon as the error was realized, she consulted the City Manager and City Attorney to determine the best the solution. It was determined a zone change was feasible because the property is larger than the R1-6, R1-8, R1-10, or even R1-15 zones require, it borders R1-10 zoning on two sides, and was located in a neighborhood where all the lots exceed 10,000 square feet. This is not something the City would normally do on one lot in a subdivision, but in

this case the property owners were told they were buying property that included the right to have a vacation rental. The City is deciding to honor their right to do so by applying for a zone change for just this one lot. The remainder of Pecan Meadows Subdivision will remain the same R1-6 zoning where vacation rentals are not permitted. Ms. Foran asked the audience to comment on the zone change itself in relation to the size of the lot, the location in relation to other zones, and the specific impact on your neighborhood. She stated if they want to comment on vacation rentals in general, then the Commissioners will allow that as a separate item at the end of the public hearing as there was very little feedback when a hearing was held on the ordinance back in February. Ralph Ballard asked Ms. Foran to explain the safeguards that were put into place with the vacation rentals. Ms. Foran stated a vacation rental has to be licensed, the owners have to agree to follow the rules whether they are living there or renters are occupying the home, the noise ordinance has to be followed as far as swimming pools, they must provide off street parking, and a phone number must be posted on the outside of the home with a 24 hour contact for any complaints or concerns. The rules have to be posted in home; no illegal alcohol or drug use, no pets running loose, and no noise after the set time. The owners must acknowledge that operating a vacation rental opens the neighborhood to people who may not have the same values as the people that live there. She explained if there are three unresolved issues in a vacation rental property, the permit can be revoked.

**Bonny Cochrane** stated they have met the Mounteers and they like them. She stated she thinks they are a good fit for the neighborhood and hope they will live there a long time, but she doesn't want the vacation rental there. She stated she hopes this doesn't open a can of worms for other people to want to do a vacation rental in their neighborhood.

**Kevan Adams** stated his concern is the primary use of this neighborhood is residential and if the zone change takes place, the integrity of the zoning map will be compromised. He stated people will start requesting spot zoning in all areas. He thinks the real question is, "what is allowed as an accessory use." He handed out copies of the Utah Planning & Zoning Code dated 1989. He mentioned on the last page of the handout there is a list of tests that accessory uses need to pass and vacation rentals don't qualify. Chairman Cashin asked Mr. Adams if he was classifying a vacation rental as an accessory use. Mr. Adams stated yes. Chairman Cashin stated a vacation rental does not fit the accessory use definition in Hurricane City's ordinance. It was pointed out the handout Mr. Adams was quoting from was outdated and did not apply to current laws. Mr. Adams stated he felt parts of the handout are still used. City Attorney Reber explained the principals can be used but the laws have changed, for example; there is no such thing as spot zoning anymore. Ms. Foran asked how this discussion pertained to the public hearing for this specific zone change. Mr. Adams stating if this zone change is approved, then one lot will be different than the rest of the others in the area. Chairman Cashin explained how the lot sizes affect what the zone is for the area.

**Susan Murray** asked for an explanation on what Ms. Foran meant when she said this lot was adjacent to two R1-10 lots. Chairman Cashin explained it is determined by the size of the lot and the two lots that are adjacent to this lot are zoned R1-10. She asked if vacation rentals were permitted in R1-10 zones. Chairman Cashin stated yes. Ms. Murray stated she feels like their neighborhood is a Guinea pig to see if vacation rentals work. Commissioners explained to her other areas had vacation rentals licensed as well. She stated she feels their neighborhood is elite and doesn't feel this use is a good fit. This property has a park adjacent to it and is only separated from the Mounteer's pool and hot tub by a chain link fence. She feels it will limit the use of the park if the "party house" has occupants. Chairman Cashin stated the vacation rental is not a party house. Ms. Murray asked for clarification on how the vacation will be run and what the rules are for the house. Mr. Ballard stated he has met wonderful people that have come to the area and stayed in vacation rentals. He stated people like to spend time in neighborhoods and see how they like the area.

**Shane Snedeger**, stated his question is if the zone change will increase or decrease the property value. Chairman Cashin stated it should increase the value. Mr. Snedeger stated the City has strict guidelines on vacation rentals so that shouldn't be a problem. He mentioned he has spoken to the Mounteer's and he thinks they are only doing the vacation rental as a supplement for when the home isn't being used. Mr. Snedeger stated he thinks it

is good thing. He commented that the Munteer's put a lot of money into the home and he has doubts they would put that amount of money into a home and then let it get destroyed.

**John Staley** stated he hasn't met the Munteer's yet. He stated his concerns are how the situation has been handled. He mentioned a similar situation last week in City Council. He explained the situation and stated the city council denied it. He stated there must be a six foot fence around the pool and a self-closing gate. He has concerns about little kids in the neighborhoods getting into the pool. He stated when he came tonight the gate on the east side of the house was left open and that is a concern. Mr. Reber stated that is a concern with all pool owners but has nothing to do with a zone change. He read the parking regulations for vacation rentals; *required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights of way. Parking may not impact more than 40% of a front yard.* Mr. Staley stated the driveway at the Munteer's residence covers 45% of their front yard. He is also concerned there is nothing there for handicap parking. Chairman Cashin stated handicap parking is not required in a residential area. Mr. Staley stated he thought a background check was required on the people that are renting. Chairman Cashin stated the owners could do that but it isn't a requirement. Mr. Staley asked who would have access to the background checks because he didn't want to see a sex offender in his neighborhood. Mr. Reber stated this is not a zoning issue and could happen anywhere. Mr. Staley asked that the fence and the driveway be looked at.

**Barbara Sawyer** stated she and her husband just bought a home in the neighborhood a year ago. They are paying a higher tax bracket because it is their second home. They choose this area because it is quiet and nice. They don't want a vacation rental in the neighborhood.

**Mac Murray** stated when the Munteer's bought the house they didn't assume they would get a zone change to allow this vacation rental. He stated the City just wants all the residents to accept their mistake and let the Munteer's off easy. He stated it is the City's mistake and they need to solve it. He feels the only way to fix it is to keep the zoning as it is.

**Robert Sawyer** stated he is Barbara's husband. They are in transition of moving from Salt Lake. They have seen this type of thing in Northern Utah. It is becoming an epidemic. He found out about the ordinance change from a letter he received about two months ago from a realtor stating they would like to buy their house to use as a vacation rental. He called the planning department and was told not to worry about it because this subdivision wasn't zoned for that. Now there is a proposal to rezone this property. He doesn't see it having a positive effect on the neighborhood.

**Michelle Munteer introduced herself and her husband, Bart.** She stated they bought this home with all intentions of being good neighbors. She stated they love the area and the home and they are spending more and more time here. She stated they have five kids with the youngest being in 8<sup>th</sup> grade. They also have several businesses in Heber so it will be some time before they can relocate to Hurricane full time. She stated it was honest mistake and they had no idea it wasn't zoned for vacation rentals. She explained their intentions are to rent it out when they are not in town. She stated the house is their home and they have no intentions of renting it to anyone but upstanding citizens. Mr. Munteer explained they have a high deposit that is required and they have the option to interview the renters personally. Marla Nones, a resident in attendance, stated the neighbors need to consider who they would rather have renting the house; long term renters, who won't have as big an investment in taking care of the property or short term renters where the Munteer's have the property maintained. She also mentioned people that can afford places like this usually aren't "hoodlums" like the neighbors fear. Ms. Nones stated all the concerns that she has heard so far are not zoning concerns and should be addressed at a later time. Mrs. Munteer stated they have taken into consideration the children in the neighborhood. Mr. Munteer explained they spent extra money for a pool cover that won't collapse even if it is walked on. They would be devastated if something happened in their home. He stated they are not here to cause trouble. They thought they had their ducks in a row but it was missed. He stated they passed on other properties because they wanted to be where it is zoned correctly. Mrs. Munteer explained they do have to send out a letter if the zone change is passed that will have their number and their manager's number. She

stated the managers are here tonight to hear the concerns and they will do their best to make sure it doesn't change the community. She stated all the neighbors are welcome to come by and see the property and hopefully ease their concerns.

**Devon Armstrong** echoed opposition to this zone change. He was a landlord for long term rentals in Arizona. He stated rich people are the worst renters because they can afford drugs and they do commit crimes. He stated no one is going to make money on this other than the City and the Mounteer's. He is against the zone change.

**2. A zone change request by Brentwood Bowling LC for property located at 55 N. 3700 W from HC to M-1 subject to a development agreement for the purpose of using the property for a custom tile manufacturing and sales facility**

Toni Foran explained the applicator is proposing that a vacant building on property that has been an eyesore since the water park shut down be put to good use, providing jobs and some sales tax in Hurricane. The business that is proposing to establish itself in the building is a custom tile manufacturer. They will have a kiln inside the building. Despite the property owner's argument that the use would not be much different from a mortuary with a cremation service which is permitted in the zone, the City really can't stretch the Highway Commercial zone to include manufacturing. However, in a desire to limit the kind of manufacturing allowed and still allow sales, the property owner has agreed to a development agreement limiting the use in the building to custom tile manufacturing contained within the building and requiring the same landscaping as that in Highway Commercial is proposed with this zone change. The tile that will be manufactured in this building is an art form that has been lost for hundreds of years until the woman who owns the business experimented long enough to create tiles that are durable, beautiful, and fired with the unique colors and patterns in the clay itself. The tile is used in historic structures, multi-million dollar homes, and even in Disneyland. They are a company that hopes to move from California to Utah and will offer an opportunity for ordinary people to buy a few unique tiles for our own projects at prices we can actually afford because their overruns will be sold at the facility. Ms. Foran stated there is a development agreement tied to the zone change that will require the tower and pool be torn down and the property cleaned up before the zone change can go into effect. She stated the property owner could not be present but authorized Ms. Foran to speak on his behalf. Chairman Cashin asked if the tile company would be purchasing the property. Ms. Foran stated yes but not unless the zone change is approved. She explained the zone will not change unless the sale to this buyer goes through.

No comments from the public.

**3. A zone change request by Marla Nones to change the zoning of property located at 188 S. 100 West from RM-1, Multifamily residential, to R1-10, Single Family Residential**

Toni Foran explained this application is for a property owner located in the original townsite part of town who owns a historic old brick home at the corner of 100 West and 200 South. She works in Oklahoma and is hoping to be able to move back to Hurricane. Her property is currently zoned RM-1, multi-family residential. This zoning has allowed her to rent her little mother in law house separately from the main house. However, the zoning does not allow her to provide transient lodging such as a bed and breakfast. She hopes to be able to rent individual rooms in her house to transient visitors and invite them to enjoy a breakfast in the kitchen. This would allow her to move back to Hurricane. Ms. Foran stated the Master Plan shows this area as Traditional Downtown but she isn't sure if commercial will go that far downtown. She stated as long as Ms. Nones owns this property, the use will not be multi-family.

Yovonda Hall asked Ms. Foran what created the RM zoning originally. Ms. Foran stated that half the block was zoned RM. She stated she thinks when the Planning Commission was looking at the City as a whole, they arbitrarily used the RM as a holding zone for areas that would transition from residential to commercial. She stated she doesn't believe there are any uses on the block that are RM.

**Kevan Adams** stated this shouldn't be a zoning issue it should be an accessory use issue. He stated a Bed and Breakfast should be an accessory use in the zone if it meets all the requirements. He stated the occupant of the home is the primary use of the property and the rental is the 25 % accessory use.

**Marla Nones** stated she moved here nineteen years ago with the intention of buying this home and turning it into a Bed and Breakfast. She spent all of her money fixing the house up only to realize people wouldn't want to stay there with her small children. She stated her children and her mother have lived there throughout the years. Ms. Nones gave the history of the home. She explained she is living in Oklahoma and her friend is helping her maintain it. The home was originally a single family home and will continue to be a single family home. She stated the home is on the historic register and she wants to keep it historic by not changing the integrity.

The Public Hearing closed at 7:15 and the Public Meeting began.

**2015-ZC-04 Consideration and possible recommendation to the City Council on the proposed zone change request at 350 S 760 West from R1-6 to R1-10 or R1-8 to allow a single family house vacation rental**

Branden Anderson asked why the zone was changed to R1-6. Toni Foran stated she reviewed the old zoning maps and found it is was zoned R1-7.5. She explained under the new land use code that was adopted in 2003 that zone doesn't exist anymore. She stated the old maps didn't follow property lines. In researching, building permits were found for that neighborhood and some were zoned R1-10 but she couldn't find any evidence that was the zone of this property. She stated she researched the lot sizes in Phase 1 of Pecan Meadows and they vary from 7840 square feet to .36 acres. She stated only seven of the thirty four lots in Phase 1 would be too small to meet the 8,000 square feet minimum for a R1-10 zone. Mr. Reber asked for the size of the Mounteer's lot. Ms. Foran stated a little more than 1/3 acre. She mentioned all the lots in the cul de sac are large enough to meet the R1-10 zone. Branden Anderson clarified Hurricane City is proposing the zone change because staff made an error. Bill Wilkey asked if the zoning was consistent through the entire subdivision. Ms. Foran stated the zoning on the subdivision ended up being R1-6 which is a zone that didn't exist when the subdivision was created. Yovonda Hall commented the zone went down instead of up because you can't have smaller lot in higher zone but you can have a larger lot in a smaller zone. Ms. Foran stated all lots would meet the minimum size for R1-8 but not the R1-10 zone. Ms. Hall asked the audience why they didn't show up for the public hearing when the ordinance for vacation rentals were approved. An audience member stated they didn't know and thought the entire city should have received a letter. Mr. Anderson asked if the City was obligated to approve the zone change because they made the mistake. Mr. Reber stated the City feels they have a moral obligation to help the people that did their research and were given wrong information. Mr. Wilkey commented that he has witnessed Ms. Foran's work for many years and he hasn't seen her err but she is human. He feels this application meets all the criteria for a zone change. Chairman Cashin stated he feels like the error was made when the zoning maps were updated and the smaller zone was given to this subdivision.

Ms. Foran read comments from neighbors that couldn't be present. *Comments from the Evan and Jill Thomas Family: We are against the change. 1. The vacation rental status of the home will bring strangers into the neighborhood that may or may not have the best interest at heart for the residents. 2. The zoning would likely allow for large numbers of people to stay in the home and thus create issues with parking in the streets. 3. We feel that there is a higher likelihood of irresponsible driving from those that are not residents of the area. There are many children at play in the area and drivers need to be informed and responsible. 4. The behavior of those that visit may be just fine, but it is prudent to look to a worst case scenario. A vacation status may bring those that would use alcohol or other substances to have fun and thus endanger those that live in the neighborhood. 5. A change like this, if passed, would be a precedent that others will use to gain a similar change for their property. In our opinion, that would be very unfavorable for residents of the neighborhood. For these reasons we are against the proposed change. It is not something we want to see take place near our home which is near the subject property.* The comments from the second neighbors, Gary and Vickey Hansen, are as follows; *I live in the neighborhood where the new owner of the home in question has made a request for a zone revision. My*

*thoughts are if the new owner purchased the home with the intentions of renting the home for income, they should have made their request for re-zoning prior to the purchase of the home. It isn't honest or fair for them to expect the residents in this neighborhood, which has had CC&R's in place since the inception of the subdivision, to agree to a zoning change so they can operate a business out of their new home. CC&R's are binding upon the purchase and purchaser has become subject to them, whether or not they have been reviewed, read, or understood. Therefore, I am against changing the zone to allow the new owner to use their home as a vacation rental for profit.* Ms. Foran stated she did respond to both emails and gave an update on the zone change explaining the reason as well as a copy of the ordinance.

Mr. Wilkey asked if the subdivision had active CC&R's. Ms. Foran stated she is unaware of any CC&R's in the area. Mr. Reber stated if there are CC&R's they would take precedence over the City allowing a vacation rental. Mr. Mounteer stated the original CC&R's are not active and there is not an HOA. Chairman Cashin explained the Planning Commission cannot enforce the CC&R's and they would have to be handled civilly. Mr. Reber stated if the CC&R's are in place, it doesn't take an HOA to enforce them. A single person can attempt to enforce them. Mr. Wilkey asked the owners if they had any intention of renting it out after they moved here. Mrs. Mounteer stated no, it would be their personal residence.

Bob Petersen stated he feels the issue tonight isn't because of the zone change, it is allowing the vacation rental which would be allowed if the zoning was correct in this neighborhood. He feels there is a misconception of what the rental will be. He mentioned Hurricane doesn't have a history of vacation rentals but other areas do and they are very positive. He stated when the Commissioners approved allowing vacation rentals, they saw it as a positive addition not a negative. Mr. Wilkey commented there wasn't any negative comments about the zone change only the use on the property. Darin Larson asked Ms. Foran if the R1-10 lots adjacent to this property were located in Home Sweet Home not Pecan Meadows. Ms. Foran stated yes. Mr. Andersen stated his concern is the access to this property because it is through an R1-6 zone. He commented that he doesn't want to see the subdivision broken into different zones but he does realize the City made a mistake. He feels like the Mounteer's did their due diligence in researching the property before their purchased it. Ms. Foran stated she would like to address Kevan Adam's and Mr. Andersen's comments regarding breaking up the zoning. She explained on a normal basis a single lot in a subdivision would never be rezoned, but since it was an error on the City's part that substantially effects someone's property rights, it is being considered. Ms. Foran stated the difference between this application and the application mentioned during the public hearing is the Mounteer's did their due diligence before they purchased the property and the other property owners did not contact the City.

Chairman Cashin commented that the Commissioners did a lot of research on vacation rentals and held public hearings. He stated there have been some cases where the neighbors didn't even know they had a vacation rental next door to them. Mr. Wilkey explained that is why the safe guards were put into place. Yovonda Hall asked if changing the zone would give the owners any more rights other than the vacation home rental. Ms. Foran stated she doesn't think so but she would have to review the chart. Mr. Ballard mentioned it could be changed to allow vacation rentals in different zones. Ms. Hall asked Mr. Reber for clarification that if the zone was approved, the neighbors would have two options to ensure the vacation rental doesn't become a problem. They could enforce the CC&R's, if there is any, or the ordinance does allow the license to be revoked if there are more than three citations on a rental. Mr. Reber stated that was correct. Ms. Hall mentioned the Commissioners all live in an area where a vacation rental would be allowed. Ms. Hall stated there is a lot more feedback from online reviews on properties now and if they aren't taken care of then it won't get rented. Mr. Reber was excused at 7:40 p.m.

Ms. Foran stated the only other difference in the zones is a casita is allowed with a conditional use in R1-8 but they are not allowed in the R1-6 zone. The setbacks are also increased in the R1-8 zone. Ms. Hall asked if this property met all requirements of the R1-8 zone. Ms. Foran stated yes. Ms. Hall asked if the zone change was to R1-8 or R1-10. Ms. Foran explained the notice went out as R1-8 but the Commissioners can choose which one they see has the best fit. *Bill Wilkey motioned to recommend approval of application 2015-ZC-04 to the City Council to change the zone from R1-6 to R1-8 with the following findings. 1. The previous zoning was already*

*there and then readjusted 2. It is adjacent to R1-10 properties 3. There will be no negative effect on surrounding areas. Bob Peterson seconded the motion. Yovonda Hall stated she agreed with the change to R1-8 not R1-10. Branden Anderson stated he thinks the whole neighborhood should be rezoned not just one lot. Chairman Cashin stated that is a discussion that would have to happen in the future, it is not part of this application. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Branden Anderson-Aye. Motion carried.*

**Commissioners took a five minute break.**

**2015-ZC-03 Consideration and possible recommendation to the City Council on the proposed zone change request at 55 N 3700 West from HC to M-1 subject to a development agreement for the purpose of using the property for a custom tile manufacturing and sales facility**

Toni Foran handed out a copy of the development agreement. She explained if the agreement doesn't get signed or a different business comes in then this zone change would be void. Ms. Foran clarified that the new owner will have to come back to the Planning Commission if they decide to use the rest of the property. Chairman Cashin asked if the City can hold them liable to keep the lot clean. Ms. Foran stated that would be a requirement. Darin Larson directed everyone to #H and asked for clarification on dates. He clarified the dates need to be fixed to read the City Council is on the 21<sup>st</sup>. Ms. Foran stated Mr. Reber has reviewed the agreement but she hasn't received his comments. Branden Anderson asked if the business would work during night hours and if the neighbors would be able to hear the noise from the building. Ms. Foran stated right now they work two shifts and close at ten p.m. She stated the applicant didn't indicate they would work through the night but she is unsure. Noise levels were discussed. Ms. Foran mentioned the applicants stated it is quieter than a bowling alley. Yovonda Hall asked if there would be any offensive smells. Ms. Foran stated no. Ralph Ballard stated there are several kilns in Springdale and you wouldn't know they were there. Bob Peterson stated he is glad to see something done with the property. Bill Wilkey stated the building is a good distance from residents. Mr. Ballard asked if it would affect the RV Park that was approved at Sand Hollow Mobile Park. Chairman Cashin stated it is still a distant away and shouldn't affect them. He thinks the impact should be less than what it is now because of the weeds and appearance. Ms. Hall asked if the current owner would remove the tower, pool, and golf course. Ms. Foran stated yes, that is part of the development agreement. *Bob Peterson motioned to recommend approval of application 2015-ZC-03 to the City Council contingent on the development agreement being signed with the findings that it is compatible with the current zone in place, it will be an improvement to the property and it won't have a negative effect on the surrounding neighbors. Bill Wilkey seconded the motion. Yovonda Hall asked if the tile business went out of business could a different manufacturing business open in the building. Ms. Foran stated no, the agreement states not withstanding that the M-1 zone permits a wide range of industrial uses. The developer is willing to limit the use of the property to this agreement. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Branden Anderson-Aye. Motion carried.*

**2015-ZC-02 Consideration and possible recommendation to the City Council on proposed zone change request at 188 S 100 West from RM-1, Multifamily residential, to R1-10, Single Family Residential**

Branden Anderson asked if the casita meets the R1-10 standards. Toni Foran stated yes. *Branden Anderson motioned to recommend approval of application 2015-ZC-02 to the City Council to change the zone from RM-1 to R1-10 with the findings that it is consistent with the neighborhood, there will be no negative impact on surrounding neighbors, and the use now matches the zone. John Johnson seconded the motion. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Branden Anderson-Aye. Motion carried.*

**2015-CUP-04 Consideration and possible approval of a conditional use permit to allow an 8' block wall on the south side of Zion's Gate Estates Subdivision 3411 W 90 North- Vincent Blackmore applicant**

Toni Foran stated she got a comment from the Ash Creek Sewer District and the Public Works Department requesting the block wall does not go around the detention basin that is located on the south side of Zion's Gate Estates. Vince Blackmore stated he is fine with that requirement. Chairman Cashin stated the wall is for a barrier between the residents and Maverick. He asked if the wall has been engineered. Mr. Blackmore stated yes. Chairman Cashin stated the engineering would need to be turned in with the building permit. Branden Anderson asked if the existing wall was adequate to accommodate the taller wall. Mr. Blackmore stated yes, they built the wall with the intent to apply for a higher wall. Bob Peterson asked if the top row would be decorative. Mr. Blackmore stated not along the south side but it is on 3400 West. He mentioned they have a sale pending the wall being approved to go higher. Ralph Ballard stated he sees it as a solution to a problem. Branden Anderson stated the only problem he sees is wall is a sight barrier pulling out of Maverick but the higher fence wouldn't effect it any more than it already is. Ms. Foran stated the wall should not be that high to the corner of the property. Mr. Blackmore stated the fence does start ten feet back from the property line. Mr. Anderson asked if they would go eight feet to the corner. Mr. Blackmore stated no they would step it down to accommodate the lots. *Branden Anderson motioned to approve application 2015-CUP-04 to allow an 8' block wall contingent it not being built on the detention lot. Ralph Ballard seconded the motion. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Branden Anderson-Aye. Motion carried.*

**2015-CUP-05 Consideration and possible approval of a conditional use permit to allow a casita with no interior access to home located at 2653 E 3530 South-Norton Custom Homes applicant**

Chairman Cashin stated these applications come up often and the only reason they come to the Planning Commission is because there is no access to the main home. Bill Wilkey made it aware that this home is located where he works. Yovonda Hall asked if the applicant was aware of the deed restriction limiting it to family and residential uses. Mr. Anderson stated yes. Toni Foran pointed out this is located in the Retreat and vacation rentals are allowed. She stated this house is designed as a vacation rental. She stated the restriction will limit that the entire house has be rented not just one room. Chairman Cashin stated Mr. Wilkey can vote on this application because he is not directly involved. *Yovonda Hall motioned to approve application 2015-CUP-05 with the findings that the proposed building is in keeping with the General Plan and Land Use Code, the property owners must sign a deed restriction limiting that individual rooms cannot be rented out, and the total buildings will not cover more than 50% of the property. Bill Wilkey seconded the motion. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Branden Anderson-Aye. Motion carried.*

**2015-PP-03 Consideration and possible recommendation to the City Council on a preliminary plat for Sand Hollow Estates Subdivision, a 234 lot single family subdivision in Sand Hollow Resort PDO-Sand Hollow Resort applicant, Alpha Engineering agent**

Jared Madsen stated the applicant previous submitted a preliminary plat showing higher density but they would like to downsize to fewer, larger lots. He stated they have kept to original master street plan but they had to modify the streets due to lot arrangement. Chairman Cashin asked what the original density was. Toni Foran stated the underlining zone was R1-7.5. Mr. Madsen stated they were proposing R1-15 but the lot sizes are more around 20,000 square feet. Ms. Foran stated they will make up the density in other areas of the project. Mr. Madsen stated they lowered the total number of units in the entire project. Branden Anderson asked why the roadway changed to sixty feet. Mr. Madsen stated because of the number units. He explained they spoke to the City Engineer and he approved them splitting the number of lots for traffic flow considerations because there are two accesses to the subdivision. Ms. Foran stated the JUC comment #3 states the road in front of the multifamily will be an eighty foot cross section and then it can notch down after the multifamily ends because of the density.



She stated the ten foot walking path must be included. It was one of the amenities approved with this subdivision. Ralph Ballard asked if the path was in the plans. Mr. Mathison stated it had been installed up to this point. Ms. Foran stated the plans don't show how they will expand it into this phase. Mr. Madsen stated the master trial plan shows two trail plans and they would continue the trail through the subdivision. He stated the trail master plan would have to be revised with the new layout but this the preliminary does take into account the trailheads. Mr. Anderson asked about the eighty foot requirement. Ms. Foran stated she mentioned it because it is a JUC comment but can be addressed with construction drawings. *Bob Petersen motioned to recommend approval of application 2015-PP-03 to the City Council subject to Staff and JUC comments. Branden Anderson seconded the motion. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Ralph Ballard-Aye, Bill Wilkey-Abstained, and Branden Anderson-Aye. Motion carried.*

**2015-PSP-01 Consideration and possible approval for a revised preliminary site plan for new Villas layout, located approximately 5600 W. Clubhouse Drive-Sand Hollow Resort applicant**

Toni Foran explained the original layout for the Villas had twelve unit buildings that were accessed from an outside balcony. She stated they have applied to change the layout to eighteen unit buildings with a central hallway gearing more towards the vacation rentals. She stated the applicant provided the new preliminary layout. She stated her only concern is where the recreational vehicles would be parked. She mentioned the old layout had parking under the building but this one does not. She stated Hurricane is a destination for outside toys and there needs to be a place to accommodate them. Ms. Foran clarified the units would still be individually owned and a new site plan will need to be submitted and approved as well as a condominium plat. Chairman Cashin stated a problem brought up in staff meeting is when the infrastructure was put in, it was for twelve units not eighteen so there could be problems in the future with the higher capacity. He stated there could be higher impact fees because of the higher density. Chairman Cashin stated he does have a concern with all the toys and asked if they had plans for in the future to have storage for them. Bill Wilkey pointed out in the corner of the map there does show parking for guests to use for that purpose. Branden Anderson asked if that would be a future development. The location of the storage was discussed. Yovonda Hall stated the staff comments say they can be short term rentals or lived in and asked if they were short or long term rentals. Ms. Foran stated they were designated as both. John Johnson stated the plans show future RV storage and asked if that would be built now or would it be brought in with a different application. Mr. Wilkey stated it will be started as soon as possible. *John Johnson motioned to approve application 2015-PSP-01 subject to the staff and JUC comments. Yovonda Hall seconded the motion. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Ralph Ballard-Aye, Bill Wilkey-Abstained, and Branden Anderson-Aye. Motion carried.*

**2015-PP-04 Consideration and possible recommendation to the City Council on a preliminary plat for Sky Mountain Apartments, 3 apartment buildings located at 2170 West 600 North in a previously approved PDO – Bill Zitting applicant, Charles Hammon agent**

Charles Hammon stated how much he appreciates working with Toni Foran and her department. He stated the developer would like to offer each building to be sold separately; not the units, just the buildings. He stated the reason is it helps the developer bring in investors. He mentioned there still is a lot of design work that needs to be done after it gets past this point. He stated the geotechnical report has been received but it wasn't a requirement for preliminary so it wasn't turned in with the application. He stated the report will be submitted. He stated he isn't sure if storm drain basins are concern. He mentioned they were shown on the master plan. He stated on staff comment #6 the phase line can be moved to stay within the eighteen units per phase. Ms. Foran stated as long as they don't do anything else on the property they will still have the same density on the property. Mr. Hammon stated the construction plans have been submitted. He mentioned they are putting in a storm drain line, making improvements to 600 North and cleaning up the intersection. Chairman Cashin stated he didn't realize the buildings were being sold individual. He asked if there will there be an association to keep things consistent throughout the project. Charles stated the development could become a LLC and people buy

shares. He stated the reason why they are doing it this way is because the Zitting Brothers want to maintain ownership in order to keep it developed how they proposed. *Bill Wilkey motioned to recommend approval of application 2015-PP-04 subject to staff and JUC comments. John Johnson seconded the motion. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Branden Anderson-Aye. Motion carried.*

**Approval of minutes:** Yovonda Hall stated the applicant's name on application 2015-FSP-02 needs to be changed to Robert instead of Bob so as not to get confused with Commissioner Bob Petersen. She stated on page 4 line 22 change it to read *personal instruction*. Yovonda motioned to approve the April 22, 2015 with the mentioned corrections. Bob Petersen seconded the motion. *The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Ralph Ballard-Aye, Bill Wilkey-Abstained and Branden Anderson-Aye. Motion carried.*

#### **Staff reports and planning commission concerns**

1. Toni stated a HOV business has been licensed at the Sand Hollow Resort. They have been allowed A-frame signs at the entrance but they would like to park an ATV with the A frame sign. She stated she is concerned because it could be mobile advertisement. Bill clarified the business is third party to Sand Hollow. It was decided ATV's would be a mobile and should not be allowed. Ralph suggested having a picture of an ATV on the A frame sign.
2. Toni stated the 27<sup>th</sup> meeting already has applicants but three Commissioners will be missing. Commissioners discussed who would be there. Ryan suggested moving it to the 26<sup>th</sup>. It was decided to hold the meeting on the 26<sup>th</sup> at 5 p.m..
3. Review of zoning map in northeast section of Hurricane. Ryan asked for this item to be postponed until June 11<sup>th</sup> due to the time. He mentioned Kevan's comments from earlier tonight could help the commissioners make a decision and will give them time to research.

#### **Discussion on vacation rentals**

Debbie Taylor stated she and her husband own a lot in Angell Heights that they plan on building on in a year. She stated she is a real estate agent and actually worked with the Mounteer's agent to find their home. She stated they did everything they could to do their due diligence. She stated she is neutral on vacation rentals. She has seen a lot of benefits but she thinks there will be a lot more problems. She mentioned she had looked on VRBO today and there are fifteen homes being used as vacation rentals in the Hurricane area, seven of them in Dixie Springs. She read how many people each vacation rental sleeps and stated it could create a problem to have that many extra people in one area. She asked the Commissioners to consider having a limit on how many are allowed in in the same area. She stated she is not opposed to vacation rentals because usually it is good people that rent them but if she lived next to one and it had that many people coming through she would feel like it is a commercial area not a residential area. She mentioned realtors will use rentals as a selling point. Ryan stated the Commissioners debated about putting limitations on the number of rentals allowed in one area but with the different zones and the subdivisions with HOA's it narrowed it down. He stated one of the reasons they didn't see the need to limit the number because the market will regulate how many are used. He mentioned they might get saturated at first but they will balance out over time. Ms. Taylor feels for the people that may become surrounded by these rentals. Ryan mentioned the fire department has talked about limiting the number of beds. The problem is it doesn't need to be regulated right now and if it was regulated, it would be hard enforcing at this point. Yovonda stated at one point it was discussed limiting the rentals in a general area and asked if that was put in the ordinance. It was clarified it was not. Ms. Taylor referenced Bill's comment during the Villas application about people being thrown into a situation where they lived there first and then it gets turned into a vacation rental. She stated people don't really look at the notices and had no idea this was being proposed. Positives and negatives were discussed. Ryan discussed the problems that could happen with long term renters

and short term renters. He mentioned there is a provision in the ordinance that if there are more than three complaints, they will lose their license. Kevan Adam's asked if the house sold and someone else used the property as a rental then would the three strikes continue. Toni stated no they would start over. They don't go with the property. Toni stated the fire department is looking at the number of beds and considering keeping it a limit of ten. Darin stated that is hard to regulate. He stated some of it will come back to the owner's insurance and responsibility. Cindy mentioned if there are more than four bedrooms, an impact fee is charged per bedroom. Toni stated the Dixie Architectural Control Committee did give staff the list of rentals in Dixie Springs and a letter will be sent to the owners tomorrow. Enforcement was discussed. Kevan commented on the public notice and getting the word out to the City when something like this that affects the entire City. Ryan stated if someone lives in the City and knows notices are posted and don't take the time to look at the notices then they don't have the right to complain. Kevan stated his concern with vacation rentals is they change the neighborhood but a home bed and breakfast keeps the same feel because a permanent resident lives there. Ralph stated vacation rentals have more restrictions. It was clarified vacation rentals can't be lived in the same time it is being rented. Shellie Adams stated they were turned down for short term rentals which wouldn't fall under this because they don't have a kitchen. Toni clarified they were proposing running a one room hotel. Definitions were discussed.

**Meeting adjourned 9:35 p.m.**